FEDERAL REGISTER

VOLUME 24 NUMBER 120

Washington, Friday, June 19, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Selective Service System

Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 6.144 is amended as set out below.

§ 6.144 Selective Service System.

* * * * *

(c) Until June 30, 1963, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-5095; Filed, June 18, 1959; 8:47 a.m.]

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Department of Health, Education, and Welfare; Student Nursing Assistants

1. Effective June 1, 1959, § 27.1 is amended by the addition of the following item:

§ 27.1 Exclusion from provisions of the Federal Employees Pay Act and Classification Act.

* * * * *

Student nursing assistants, Department of Health, Education, and Welfare: eighteen weeks' approved clinical training.

2. Effective June 1, 1959, § 27.2 is amended by the addition of the following item:

§ 27.2 Maximum stipends prescribed.

* * * * *

Student nursing assistants, Department of Health, Education, and Welfare: eighteen weeks' approved clinical training, no stipend other than any maintenance provided.

(61 Stat. 727; 5 U.S.C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-5094; Filed, June 18, 1959; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT

[S. R. A.—AMS 169]

PART 58—GRADING AND INSPECTION, MINIMUM SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Miscellaneous Amendments

The regulations governing the grading and inspection of dairy products (7 CFR Part 58), are amended as hereinafter set forth pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.). The amendment is to clarify the meaning of the wording in certain sections and to increase the charges for inspection and grading services. The increases in charges are necessary by virtue of 1958 legislation which raised the salary of Federal employees and because of job reclassification directed by the U.S. Civil Service Commission.

It is hereby found that it would be impracticable, unnecessary and contrary to public interest to give preliminary notice and engage in public rule making procedures, and that good cause exists

(Continued on p. 4989)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

CODIFICATION GUIDE—Con.

for making this amendment effective July 1, 1959, for the reasons that: (1) The costs of performing the service have increased and the Agricultural Marketing Act of 1946 requires that fees charged for performing the service shall, as nearly as may be, cover the costs thereof; (2) the facts upon which the determinations with respect to charges necessary to cover increased costs are not available to the industry, but are peculiarly within the knowledge of the Department; (3) the changes in the regulations other than increase in fees are not of a substantive nature but are for the purpose of clarification of wording or are relieving restrictions; (4) no additional requirements are included with respect to compliance with the regulations; and, (5) additional time is not required to comply with this amendment.

The amendment hereinafter set forth is hereby promulgated to become effective July 1, 1959.

The amendment is as follows:

§ 58.38 [Amendment]

1. Paragraphs (b), (c) and (d) of § 58.38 are amended to read as follows:

(b) In the event the aforesaid applicable rates are deemed by the Administrator to be inadequate fully to reimburse the Service for all costs and other items paid or incurred by the Service in connection with such service, the fees for such service shall not be based on the rates specified in §§ 58.43 to 58.46, but shall be based on the time required to perform such service and the travel of each grader, inspector, sampler, and supervisor of packaging at the rate of $5.00 per hour for the time actually required.

(c) If an applicant requests that any grading service be performed on a holiday or a non-work day, or at a time other than during the grader's normal working hours, he shall be charged for such service at a rate one and one-half times the rate which would be applicable for such service if performed during the grader's normal working hours.

(d) Charges for grading service not specifically set forth in paragraphs (a), (b) and (c) of this section including inspection for condition of product, plant surveys and other miscellaneous service shall be based on the time required to perform such service and travel of each grader, inspector, sampler or supervisor of packaging, at the rate of $5.00 per hour for the time actually required.

2. Change § 58.39 to read as follows:

§ 58.39 **Fees for grading samples.**

The fee to be charged for the grading of each lot of samples of any product shall be based on the actual time required to perform the service and shall be at the rate of $5.00 per hour, with a minimum charge of $2.50 for each such lot of samples.

3. Change § 58.43 to read as follows:

§ 58.43 **Butter, cheddar cheese and miscellaneous dairy products grading fees.**

(a) When all the bulk packages in a lot are individually identified by churning of butter or vat or cheddar cheese, the following fees shall be applicable:

For 3 or less churnings or vats (total marked net weight less than 15,000 pounds)	$3.00
For each churning or vat in excess of 3, an additional charge of	.45

A minimum charge of $9.00 shall be applicable to any lot of butter or cheddar cheese weighing 15,000 to 20,000 pounds inclusive, marked net weight, plus a charge of $2.00 for each 5,000 pounds or fraction thereof in excess of 20,000 pounds.

(b) For bulk packages of butter or cheddar cheese not individually identified by churning or vat; bulk cheeses other than cheddar, and dairy products packed in consumer-type packages, the following fees, based on marked net weight, shall be applicable:

For 300 pounds, or less	$2.50
For 301 to 1,000 pounds, inclusive	3.00
For 1,001 to 3,000 pounds, inclusive	4.00
For 3,001 to 6,000 pounds, inclusive	5.00
For 6,001 to 10,000 pounds, inclusive	7.00
For 10,001 to 15,000 pounds, inclusive	9.25
For 15,001 to 20,000 pounds, inclusive	11.50
For each additional 5,000 pounds, or fraction thereof, in excess of 20,000 pounds	2.00

(c) Fees for grading lots of miscellaneous dairy products including small lots of more than one type of product covered by a single grading certificate, may be based on the actual time required to perform the service at the rate of $5.00 per hour, with a minimum charge of $2.50.

4. Change § 58.44 to read as follows:

§ 58.44 **Milk sampling fees.**

(a) For each sampling of any lot of dry milk, based on marked net weight, the following fees shall be applicable:

For 3,000 pounds or less	$3.75
For 3,001 to 6,000 pounds, inclusive	5.00
For 6,001 to 10,000 pounds, inclusive	6.50
For each additional 10,000 pounds, or fraction thereof, in excess of 10,000 pounds	2.25

(b) For each lot of evaporated or condensed milk, the following fees shall be applicable:

For 200 packages or less	$3.75
For 201 to 400 packages, inclusive	5.00
For 401 to 600 packages, inclusive	6.50
For each additional 600 packages, or fraction thereof, in excess of 600 packages	2.25

§ 58.50 [Amendment]

5. Change § 58.50 *Approval and form of official identification* by adding the following paragraphs (d) and (e):

(d) Sketches, proofs, or photostatic copies of all proposed packaging materials, grade labels, and inspection marks to be used as official identification shall be submitted to the Chief of the Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., for tentative approval prior to acquisition of a supply of material bearing such identification.

(e) Finished copies in quadruplicate, of the tentatively approved packaging materials, grade labels, and inspection marks shall be transmitted to the Chief of the Inspection and Grading Branch for final approval prior to their use as official identification.

(60 Stat. 1090; 7 U.S.C. 1624)

Issued at Washington, D.C., this 9th day of June 1959, to be effective on and after the 1st day of July 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-5104; Filed, June 18, 1959; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 9]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.622 **Plum Order 9.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order

to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 11, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 20, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Burbank or Caviota plums except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and fourteen-sixteenth (1 1/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and fourteen-sixteenth (1 1/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6½-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6½-row standard pack" shall mean that the top layer of the pack contains 42 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 16, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5100; Filed, June 18, 1959; 8:48 a.m.]

[Plum Order 10]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.623 **Plum Order 10.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 11, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 20, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Duarte plums except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1 13/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13/16) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are

packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 16, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5101; Filed, June 18, 1959; 8:48 a.m.]

[Plum Order 11]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

§ 936.624 Plum Order 11.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 11, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 20, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Mariposa, Ace, or Elephant Heart plums unless such plums grade at least U.S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "Standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance

through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 16, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5102; Filed, June 18, 1959; 8:48 a.m.]

[Plum Order 12]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.625 Plum Order 12.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 11, 1959.

(b) *Order.* During the period beginning at 12:01 a.m., P.s.t., June 20, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of sugar plums except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth ($1\frac{10}{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half ($37\frac{1}{2}$) percent, by count, of plums which measure less than one and ten-sixteenth ($1\frac{10}{16}$) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a $7\frac{1}{2}$-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$7\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$8\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 16, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5103; Filed, June 18, 1959; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7341 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Richard Gurney et al.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Financing activities; service; § 13.185 *Refunds, repairs and replacements;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1513 *Operations generally;* [*Misrepresenting oneself and goods*]—Goods: § 13.1725 *Refunds;* § 13.1740 *Scientific or other*

relevant facts; [*Misrepresenting oneself and goods*]—Services: § 13.1838 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Richard Gurney et al, trading as Pioneer Business Service, Council Bluffs, Iowa, Docket 7341, May 19, 1959]

In the Matter of Richard Gurney and Merle E. Wood, Individually and as Copartners Trading as Pioneer Business Service

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Council Bluffs, Iowa, real estate firm with making deceptive claims in advertising and by their agents, to induce owners to list properties for sale with them and to increase their asking prices, thus assuring larger advance fees, by such representations as in the order below set forth.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Richard Gurney and Merle E. Wood, individually and as copartners, trading as Pioneer Business Service, or under any other trade name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of advertising in any advertising media, or of other services and facilities in connection with the offering for sale, selling, buying or exchanging of business or any other kind of property, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondents have available ready buyers for properties sought to be listed;
2. The property listed with or advertised by respondents will be sold within a short period of time or not at all;
3. The property is underpriced by the owner or that the asking price should be increased or that respondents can or will sell the property at the increased price;
4. Respondents will finance or assist in the financing of the purchase of the listed property;
5. The listing or advance fee paid to respondents will be refunded if the property is not sold;
6. Respondents will advertise the property of a prospective seller by any means that is not in accordance with the facts;
7. Respondents' services will culminate in the sale of the listed property.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Richard Gurney and Merle E. Wood, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: May 19, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5083; Filed, June 18, 1959; 8:46 a.m.]

[Docket 7317 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Sav-A-Stop, Inc., et al.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2(a): § 13.715 *Charges and price differentials.* Subpart—*Discriminating in price under section 5, Federal Trade Commission Act:* § 13.894 *Unequal discounts.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 45, 13) [Cease and desist order, Sav-A-Stop, Inc., et al., Jacksonville, Fla., Docket 7317, May 19, 1959]

In the Matter of Sav-A-Stop, Inc., a Corporation, Jay Distributing Company, Inc., a Corporation, Sav-A-Stop of Tampa, Inc., a Corporation, and James V. Freeman, Benjamin E. Griffin, William Adams, Alexander H. Edwards, and Harold Smith, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging three associated corporations in Jacksonville, Fla., engaged in business as a "rack merchandiser" or wholesaler of drug proprietaries and toiletries such as health and beauty aids—installing display racks and selling primarily to independent and chain grocery stores in the States of Florida, Georgia, Alabama, South Carolina, and Tennessee—with discriminating in price by paying on all purchases of certain favored customers who were not required to carry their "Jay" household items, the 3 percent discount allowed on that line, and by requiring nonfavored customers to carry the "Jay" items in order to receive the additional discount on their drug proprietaries.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Sav-A-Stop, Inc., Jay Distributing Company, Inc., and Sav-A-Stop of Tampa, Inc., corporations, and their officers, and James V. Freeman, Benjamin E. Griffin, William Adams, and Alexander H. Edwards, individually and as officers and directors of said corporations, their agents, representatives and employees, directly or through any corporate or other device, in or in connection with the sale of drug proprietaries and toiletries, household appliances, or other products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Discriminating, directly or indirectly, in the price of said products of like grade and quality where the respondents are competing with any other sellers of said products, or where favored customers are competing with other customers of the respondents.

It is further ordered, That respondents Sav-A-Stop, Inc., Jay Distributing Company, Inc., and Sav-A-Stop of Tampa, Inc., corporations, and their officers, and James V. Freeman, Benjamin E. Griffin, William Adams, and Alexander H. Edwards, individually and as officers and directors of said corporations, their agents, representatives and employees, directly or through any corporate or other device, in or in connection with the course and conduct of their business of selling drug proprietaries and toiletries, household appliances, or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Granting or offering to grant to any customer any discount on housewares or health and beauty aids in consideration for the purchase of both of these lines of wares from respondents, or in any way tying the sale of housewares and the sales of health and beauty aids one to the other.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Harold Smith.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: May 19, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5084; Filed, June 18, 1959; 8:46 a.m.]

[1] New.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Passage of Royal Yacht Britannia; St. Lawrence River, Great Lakes and Connecting Waters

CROSS REFERENCE: For a document affecting Part 207, see F.R. Document 59-5073, Department of Defense, Department of the Army, in the Notices Section, *infra.*

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION OF KOREAN CONFLICT VETERANS UNDER 38 U.S.C. CH. 33

Reports by Institutions

1. In Part 21, delete the headnote "Subpart B—Veterans' Readjustment Assistance Act of 1952" and add the headnote "Subpart B—Education of Korean Conflict Veterans under 38 U.S.C. Ch. 33."

2. In § 21.2303(c), subparagraph (3) is amended to read as follows:

§ 21.2303 Reports by institutions.

* * * * * *

(c) *Administrative allowance for preparation of reports and certifications.* * * *

(3) Where a course is pursued exclusively by correspondence, the administrative allowance will be paid only for the month in which enrollment certifications (VA Form 22–1999) or required quarterly certifications of training (VA Form 22–1996d) are received in the Veterans Administration.

(i) All information about the veteran's training status, such as lessons completed and serviced, or interruptions or termination of training shall be reported on the quarterly certification of training for the quarterly period in which the action occurred. A report is not required for any quarter in which the school does not service any lessons completed by the veteran.

(ii) The allowance shall be paid to the school only for those months in which a required report or certification (see § 21.2051(b)) was submitted for an eligible veteran and received by the Veterans Administration. Thus, the fact that a required quarterly certification may reflect a veteran's progress for a period of more or less than one quarter does not affect the amount of administrative allowance due for the month in which the certification is received by the Veterans Administration.

(iii) In no event shall more than one allowance ($1.00) be paid to the correspondence school for any one month, per eligible veteran. This is true regardless of the fact that more than one report or certification pertaining to the same veteran may be received by the Veterans Administration during a particular month.

(*a*) When the educational allowance may not be authorized or released to the veteran because the information on a report or certification is incomplete or incorrect, the school's administrative allowance will be suspended until receipt of supplementary information or a corrected report or certification is received in the Veterans Administration. For the purpose of payment of an administrative allowance such supplementary information or corrected document will be considered to have been received in the same month as the original report or certification.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective June 19, 1959.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 59–5096; Filed, June 18, 1959; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S.O. 927]

PART 95—CAR SERVICE

Authorization of Illinois Central Railroad Co. To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 15th day of June A.D. 1959.

It appearing that in the opinion of the Commission by reason of discontinuance of service to shippers by the Chicago Aurora and Elgin Railway Company an emergency exists requiring immediate action which will best promote service in the interest of the public and the commerce of the people; that such railway will be unable to transport the traffic offered to it so as to properly serve the public; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It further appearing that the Chicago Aurora and Elgin Railway Company ceased operation of freight service on its line at 6:00 p.m., June 11, 1959, and that there is now no freight service available to shippers and receivers located on its rails, and that facilities are available for use by the Illinois Central Railroad Company in the Bellwood-Hillside area of Illinois.

It further appearing that the Chicago Aurora and Elgin Railway Company has entered into an agreement with the Illinois Central Railroad Company, a connecting carrier, permitting the use of such facilities as more particularly described below:

Beginning at a track connection with the Chicago Aurora and Elgin Railway Company immediately south of the Congress Street Expressway in the area of Bellwood, Illinois, and extending northerly and easterly over the line of the Chicago Aurora and Elgin Railway Company for a distance of approximately 6,575 feet; and from the same point of connection with the Chicago Aurora and Elgin Railway Company extending southerly and westerly over the line of the Chicago Aurora and Elgin Railway Company for a distance of approximately 4,400 feet.

It is ordered, That:

§ 95.927 Service Order 927.

(a) *Illinois Central Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company.* The Illinois Central Railroad Company is authorized to use the trackage facilities described above, and for a reasonable distance outside such facilities being more particularly described as follows:

Beginning at a track connection with the Chicago Aurora and Elgin Railway Company immediately south of the Congress Street Expressway in the area of Bellwood, Illinois, and extending northerly and easterly over the line of the Chicago Aurora and Elgin Railway Company for a distance of approximately 6,575 feet; and from the same point of connection with the Chicago Aurora and Elgin Railway Company extending southerly and westerly over the line of the Chicago Aurora and Elgin Railway Company for a distance of approximately 4,400 feet.

(b) *Protection of through, joint and terminal rates authorized.* The Illinois Central Railroad Company shall collect no other or different charge than they would have collected if in fact the traffic had moved through the joint points via which service has been discontinued. This requirement to apply as to both inbound and outbound traffic.

(c) *Car service.* The Illinois Central Railroad Company be, and it is hereby authorized to operate over the above-described segments of the Chicago Aurora and Elgin Railway Company, in order to move inbound loaded cars and to supply empty cars for outbound loading, as well as the movement of loaded or empty cars outbound.

(d) *Application.* The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) *Effective date.* This section shall become effective at 4:00 p.m., June 15, 1959.

(g) *Expiration date.* The provisions of this section shall expire at 11:59 p.m., September 10, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Illinois Commerce Commission, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–5090; Filed, June 18, 1959; 8:47 a.m.]

[S.O. 928]

PART 95—CAR SERVICE

Authorization of Indiana Harbor Belt Railroad Co. To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 15th day of June A.D. 1959.

It appearing that in the opinion of the Commission by reason of discontinuance of service to shippers by the Chicago Aurora and Elgin Railway Company an emergency exists requiring immediate action which will best promote service in the interest of the public and the commerce of the people; that such railway will be unable to transport the traffic offered to it so as to properly serve the public; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It further appearing that the Chicago Aurora and Elgin Railway Company ceased operation of freight service on its line at 6:00 p.m., June 11, 1959, and that there is now no freight service available to shippers and receivers located on its rails, and that facilities are available for use by the Indiana Harbor Belt Railroad Company, a connecting carrier in the Bellwood-Hillside area of Illinois.

It further appearing that the Chicago Aurora and Elgin Railway Company has entered into an agreement with the Indiana Harbor Belt Raliroad Company, a connecting carrier, permitting the use of such facilities as more particularly described below:

(1) Beginning at point of interchange between Indiana Harbor Belt Railroad Company and the Chicago Aurora and Elgin Railway Company in the village of Hillside, Illinois, thence easterly over Chicago Aurora and Elgin Railway Company main line for a distance of approximately 5,076 feet.

(2) Beginning at the switch connection on the Chicago Aurora and Elgin Railway Company main line between Mannheim Road and Bellwood Avenue, thence southerly and westerly for a distance of approximately 7,700 feet to a point just north of Roosevelt Road.

It is ordered, That:

§ 95.928 Service Order 928.

(a) *Indiana Harbor Belt Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company.* The Indiana Harbor Belt Railroad Company is authorized to use the trackage facilities described above, and for a reasonable distance outside such facilities being more particularly described as follows:

(1) Beginning at point of interchange between Indiana Harbor Belt Railroad Company and Chicago Aurora and Elgin Railway Company in the village of Hillside, Illinois, thence easterly over Chicago Aurora and Elgin main line for a distance of approximately 5,076 feet.

(2) Beginning at the switch connection on the Chicago Aurora and Elgin Railway Company main line between Mannheim Road and Bellwood Avenue, thence southerly and westerly for a distance of approximately 7,700 feet to a point just north of Roosevelt Road.

(b) *Protection of through, joint and terminal rates authorized.* The Indiana Harbor Belt Railroad Company shall collect no other or different charge than they would have collected if in fact the traffic had moved through the joint points via which service has been discontinued. This requirement to apply as to both inbound and outbound traffic.

(c) *Car service.* The Indiana Harbor Belt Railroad Company be, and it is hereby authorized to operate over the above-described segments of the Chicago Aurora and Elgin Railway Company, in order to move inbound loaded cars and to supply empty cars for outbound loading, as well as the movement of loaded or empty cars outbound.

(d) *Application.* The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) *Effective date.* This section shall become effective at 4:00 p.m., June 15, 1959.

(g) *Expiration date.* The provisions of this section shall expire at 11:59 p.m., September 10, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Illinois Commerce Commission, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5091; Filed, June 18, 1959; 8:47 a.m.]

[S.O. 929]

PART 95—CAR SERVICE

Authorization of Chicago, Burlington & Quincy Railroad Co. To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 15th day of June A.D. 1959.

It appearing that in the opinion of the Commission by reason of discontinuance of service to shippers by the Chicago Aurora and Elgin Railway Company, an emergency exists requiring immediate action which will best promote service in the interest of the public and the commerce of the people; that such railway will be unable to transport the traffic offered to it so as to properly serve the public; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It further appearing that the Chicago Aurora and Elgin Railway Company ceased operation of freight service on its line at 6:00 p.m., June 11, 1959 and that there is now no freight service available to shippers and receivers located on its rails, and that facilities are available for use by the Chicago, Burlington & Quincy Railroad Company in the area of Aurora, Illinois.

It further appearing that the Chicago Aurora and Elgin Railway Company has entered into an agreement with the Chicago, Burlington & Quincy Railroad Company, a connecting carrier permitting the use of such facilities as more particularly described below:

Beginning at the point of interchange between the Chicago, Burlington & Quincy Railroad Company and the Chicago Aurora and Elgin Railway Company at Aurora, Illinois and extending easterly over the Chicago Aurora and Elgin Railway Company tracks for a distance of approximately 380 feet; and beginning at the above-named point of interchange and extending northerly and westerly over the Chicago Aurora and Elgin Railway Company tracks for a distance of approximately 3,884 feet, together with secondary tracks.

It is ordered, That:

§ 95.929 Service Order 929.

(a) *Chicago, Burlington & Quincy Railroad Company authorized to operate over certain trackage of Chicago Aurora and Elgin Railway Company.* The Chicago, Burlington & Quincy Railroad Company is authorized to use the trackage facilities described above, and for a reasonable distance outside such facilities being more particularly described as follows:

Beginning at the point of interchange between the Chicago, Burlington & Quincy Railroad Company and the Chicago Aurora and Elgin Railway Company at Aurora, Illinois and extending easterly over the Chicago Aurora and Elgin Railway Company tracks for a distance of approximately 380 feet; and beginning at the above-named point of interchange and extending northerly and westerly over the Chicago Aurora and Elgin Railway Company tracks for a distance of approximately 3,884 feet, together with secondary tracks.

(b) *Protection of through, joint and terminal rates authorized.* Chicago, Burlington & Quincy Railroad Company shall collect no other or different charge than they would have collected if in fact the traffic had moved through the joint points via which service has been discontinued. This requirement to apply as to both inbound and outbound traffic.

(c) *Car service.* The Chicago, Burlington & Quincy Railroad Company be, and it is hereby authorized to operate over the above-described segments of the Chicago Aurora and Elgin Railway Company, in order to move inbound loaded cars and to supply empty cars for outbound loading, as well as the movement of loaded or empty cars outbound.

(d) *Application.* The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) *Effective date.* This section shall become effective at 4:00 p.m., June 15, 1959.

(g) *Expiration date.* The provisions of this section shall expire at 11:59 p.m., September 10, 1959, unless otherwise modified, changed, suspended, or annulled by order of the Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Illinois Commerce Commission, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5089; Filed, June 18, 1959; 8:47 a.m.]

[S.O. 930]

PART 95—CAR SERVICE

Authorization of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. To Operate Over Certain Trackage of the Chicago Aurora and Elgin Railway Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 15th day of June A.D. 1959.

It appearing that in the opinion of the Commission by reason of discontinuance of service to shippers by the Chicago Aurora and Elgin Railway Company an emergency exists requiring immediate action which will best promote service in the interest of the public and the commerce of the people; that such railway will be unable to transport the traffic offered to it so as to properly serve the public; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It further appearing that the Chicago Aurora and Elgin Railway Company ceased operation of freight service on its line at 6:00 p.m., June 11, 1959 and that there is now no freight service available to shippers and receivers located on its rails and that facilities are available for use by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, a connecting carrier, in the area of Elgin, Illinois.

It further appearing that the Chicago Aurora and Elgin Railway Company has entered into an agreement with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, a connecting carrier, permitting the use of such facilities as more particularly described below:

Beginning at point of interchange between the Chicago, Milwaukee, St. Paul and Pacific Railroad Company and the Chicago Aurora and Elgin Railway Company at Elgin, Illinois, thence easterly over the Chicago Aurora and Elgin Railway Company's main line for a distance of approximately 250 feet of main track, together with approximately 3,100 feet of secondary track.

It is ordered, That:

§ 95.930 Service Order 930.

(a) *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company is authorized to use the trackage facilities described above and for a reasonable distance outside such facilities, being more particularly described as follows:

Beginning at point of interchange between the Chicago, Milwaukee, St. Paul and Pacific Railroad Company and the Chicago Aurora and Elgin Railway Company at Elgin, Illinois, thence easterly over the Chicago Aurora and Elgin Railway Company's main line for a distance of approximately 250 feet of main track, together with approximately 3,100 feet of secondary track.

(b) *Protection of through, joint and terminal rates authorized.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company shall collect no other or different charge than it would have collected if in fact the traffic had moved through the joint points via which service is discontinued. This requirement to apply as to both inbound and outbound traffic.

(c) *Car service.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, be, and it is hereby authorized to operate over the above described segments of the Chicago Aurora and Elgin Railway Company, in order to move inbound loaded cars and to supply empty cars for outbound loading, as well as the movement of loaded or empty cars outbound.

(d) *Application.* The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) *Effective date.* This section shall become effective at 4:00 p.m., June 15, 1959.

(g) *Expiration date.* The provisions of this section shall expire at 11:59 p.m., September 10, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Illinois Commerce Commission, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5088; Filed, June 18, 1959; 8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—MANAGEMENT OF WILDLIFE CONSERVATION AREAS

PART 17—LIST OF AREAS

National Wildlife Refuges

CROSS REFERENCE: For order reserving certain lands as an addition to the Ruby Lake National Wildlife Refuge, established by Executive Order 7923 of July 2, 1938 (§ 17.3), see Public Land Order 1878 in the Appendix to Chapter I, Title 43, in the issue for Thursday, June 18, 1959, at page 4959.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 56]

GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the Regulations Governing the Grading and Inspection of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs under authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 *et seq.*).

The proposed amendment would establish an objective measurement which may be used in evaluating interior egg quality. The Haugh unit measurement would be established as a standard in determining the quality of albumen of broken-out eggs. This measurement is to be used in the proposed new program for the certification of eggs packed with a new grade label designation, "Fresh Fancy Quality", or with the AA grade mark under controlled conditions. As of January 1, 1961, the AA grade mark would be used only on eggs which meet the requirements of the new program.

The proposed amendment also establishes a program for the certification of A grade eggs with an alternate grade label designation that would be used on eggs packed under the program; changes official identification and rejection of application provisions; requires that after September 1, 1959, all licensed graders must be a Federal or State employee; makes minor changes in the tolerances of Procurement Grades; and establishes new Export Grades that are similar to the Procurement Grades with the exception of the packaging requirements.

All persons who desire to submit written data, views or arguments in connection with this proposed amendment should file the same in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 30 days following publication in the FEDERAL REGISTER.

The proposed amendments are as follows:

§ 56.10 [Amendment]

1. Change paragraph (a) of § 56.10 to read:

(a) Effective September 1, 1959, and except as otherwise provided in paragraph (c) of this section, any person, who is a Federal or State employee possessing proper qualifications as determined by an examination for competency, and who is to perform grading service, may be licensed by the Secretary as a grader.

2. Change § 56.24 to read:

§ 56.24 When application may be rejected.

An application for grading service, inspection service, or sampling service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; (d) where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading or inspection service; (e) whenever the applicant fails to bring the plant facilities, and operating procedures into compliance with the regulations within a reasonable period of time; (f) notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service; (g) when it appears that to perform the services specified in this part would not be to the best interests of the public welfare or of the Government; or (h) when it appears to the Administrator that prior commitments of the Department necessitate rejection of the application. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after the receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

3. Change § 56.38 to read:

§ 56.38 Form of official identification symbol and grade mark.

(a) The shield set forth in Figure 1 shall be the official identification symbol for purposes of this part and when used, imitated, or simulated in any manner in connection with shell eggs shall be deemed to constitute a representation that the product has been officially graded or inspected for the purposes of § 56.2a.

(b) Except as otherwise authorized, the grade mark permitted to be used to officially identify cartons containing one dozen shell eggs, which are graded pursuant to the regulations in this part, shall be contained in a shield and in the form and design indicated in examples in Figures 2 and 3 of this section. The information (including the form and arrangement of its wording) which is to be included in such marks shall be: (1) The letters "U.S.D.A."; (2) the U.S. grade, such as, "U.S. A Grade"; (3) one of the following phrases: "Graded Under Federal-State Supervision", "Graded Under U.S. and State Supervision", or a term of similar import, and (4) the size or weight class of the product, such as, "Large": *Provided*, That the size may be omitted from the grade mark if it appears prominently on the main panel of the carton. The grade mark shall be printed on the carton or on a label used to seal the carton. When the size or weight class is included as a part of the grade mark the form of such mark shall be as indicated in Figure 2 of this section and when the size or weight class designation is not included in the grade mark the form of the grade mark shall be as indicated in Figure 3 of this section. The grade mark shall also include the plant number of the official plant where the product was packed if the appropriate plant number does not appear elsewhere on the packaging material. In addition, the date the eggs were graded shall be stamped either on the grade mark used to seal the carton or applied in a legible manner elsewhere on the carton. Such date of grading shall be expressed as the month and day or as the consecutive day of the year. The grade mark shall be not less than 1⅛ inches in height and should not exceed 1¾ inches in height. The size of the letters designating the grade shall be not less than ¼ inch in height. The size of the print and the arrangement of the other information within the shield shall be in approximately the same proportion as shown in the examples in Figures 2 and 3 of this section.

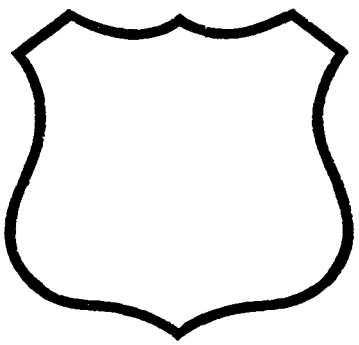


FIGURE 1.

FIGURE 2.

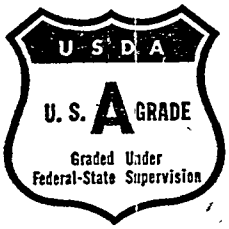
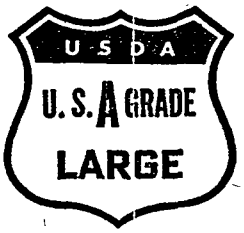


FIGURE 3.

4. Add a new § 56.38a.

§ 56.38a Fresh Fancy Quality grade mark.

Eggs which are packaged pursuant to § 56.44 and are to be grade marked shall be labeled with one of the following grade marks:



PRODUCED and MARKETED
under FEDERAL - STATE
QUALITY CONTROL PROGRAM

FIGURE 4.

PRODUCED and MARKETED
under FEDERAL - STATE
QUALITY CONTROL PROGRAM

FIGURE 5.

FIGURE 6.

5. Add a new § 56.38b.

§ 56.38b Alternate Grade A mark.

Eggs which are packaged pursuant to § 56.44a and are to be grade marked shall be labeled with the grade mark shown in Figures 2 or 3 of § 56.38, or with the following grade mark:

PRODUCED and MARKETED
under FEDERAL - STATE
QUALITY CONTROL PROGRAM

FIGURE 7.

§ 56.40 [Amendment]

6. Change the first sentence of § 56.40 to read: "The official identification of any graded or inspected product, as provided in §§ 56.30 to 56.44a, both inclusive, shall be done only under the supervision of a grader, inspector, or supervisor of packaging."

7. Change § 56.41 to read:

§ 56.41 Candling and grading requirements of shell eggs for packaging with grade identification labels.

Shell eggs shall not be packaged with any grade identification label unless such eggs are first candled and graded (a) by a grader, or (b) by a limited licensee, pursuant to § 56.11 and thereafter check-graded by a grader. Notwithstanding the foregoing, eggs may be cartoned or bulk packaged and officially identified under the provisions of §§ 56.44 and 56.44a. Effective January 1, 1961, eggs labeled as AA grade must meet the provisions of § 56.44.

8. Add a new §56.44:

§ 56.44 Requirements for eggs packaged under Fresh Fancy Quality grade mark or AA grade mark as shown in Figures 4, 5, and 6 of § 56.38a.

(a) *Minimum requirements of procurement and distribution program.* Each packing station or plant must have a satisfactory procurement and distribution program including, but not being limited to, the following requirements at the farm and retail store level as applicable:

(1) Eggs from each flock shall be packed separately and the shipping cases marked so as to facilitate segregation at the packing station. A flock consists of birds not varying in age by more than 60 days. In operations with a continuous replacement procedure, such as in cage operations, birds shall be grouped together in accordance with the above requirement.

(2) Eggs should be gathered from the nest at least twice, and preferably, three times a day.

(3) Eggs which require cleaning should be cleaned in accordance with the applicable provisions of § 56.76. Eggs may be treated by oil dipping, oil spraying, or oil-emulsion spraying: *Provided,* That methods used are such as will not cause objectionable cloudiness in the whites. Oil treating and cleaning operations must be in compliance with the sanitary requirements as provided in § 56.76.

(4) Eggs shall be cooled immediately after gathering to 60° F. or below and held at a reasonable constant temperature not to exceed 60° F., and a relative humidity of approximately 70 percent.

(5) Eggs shall be transported and handled under such conditions as will prevent sweating and so as to reach the packing plant or store with an internal temperature of 60° F. or below.

(6) The temperature at which the eggs are held and displayed at the retail store shall not exceed 60° F.

(7) Periodic checks to determine the adequacy of the production and distribution programs shall be made by governmentally employed graders.

(b) *Minimum requirements at time of packaging.* (1) Quality of eggs shall be determined by the broken-out score, measured in Haugh units, and the condition of the yolk. The break-out test shall be accomplished at the assembly plant or at the farm in the event the eggs go directly from the farm to the store. Eggs that do not meet the requirements of AA quality with respect to shell texture or shape shall not be selected as part of any sample that is to be broken out and scored.

(2) The internal temperature of the eggs shall not exceed 60° F. at the beginning of the packaging operations.

(3) A flock may be eligible for entry under the program when a sample of 25 eggs drawn at random averages 76 Haugh units or higher; or when two samples of 25 eggs each drawn at random (one sample per week for two consecutive weeks) each averages 72 Haugh units or higher. Notwithstanding the foregoing, a flock shall not be eligible if any sample contains more than one egg measuring less than 55 Haugh units or

contains any egg having a serious yolk defect.

(4) A flock may remain on the program: *Provided,* That (i) a moving average of 72 Haugh units or higher is maintained; (ii) that no individual weekly average is below 68 Haugh units; (iii) that not more than one of any two consecutive weekly averages falls below 70 Haugh units; (iv) that no eggs contain yolks with serious defects; and (v) that not more than one egg in any sample of 10 eggs or more measures less than 55 Haugh units.

(5) The weekly average shall be computed by averaging the results obtained when testing eggs in accordance with either subdivision (i) or (ii) of this subparagraph. Samples shall be drawn at random once a week per flock from a single shipment. No eggs in any sample shall contain yolks with serious defects.

(i) A sample of 10 eggs shall be tested when the moving average is below 78 Haugh units and not more than one egg in the sample shall measure less than 55 Haugh units.

(ii) A sample of 5 eggs shall be tested when the moving average is 78 Haugh units or above and the sample shall contain no eggs which measure less than 55 Haugh units. If not more than one egg measures less than 55 Haugh units, an additional 5 eggs shall be tested. If this second 5-egg sample contains no eggs below 55 Haugh units, the average of the 10 eggs shall be used in determining the weekly average.

(6) The moving average shall be computed by averaging the results of the latest four weekly Haugh unit entries of a flock, except that during the second and third weeks after admission to the program, the average shall be computed by averaging the latest entry with the previous weekly entries.

(7) Any flock which has been on the program and is excluded for failure to meet the requirements may be reinstated by the same procedures used to originally enter a flock on the program.

(8) Eggs from flock that meet the provisions of this section may be packaged and officially labeled after the blood spots, meat spots, checks, loss, and eggs with shell failing to meet the requirements for AA quality have been removed. The packaged product shall be identified with the proper size and packed in accordance with the regulations.

(9) Cartons or sealing tapes shall bear in distinctly legible form a date, stated as the month and day or the number of the month and day, preceded by the letters "Exp.", or a statement such as "Not to be sold after". The date shall not exceed 10 days from date of Haugh unit test, including the day of testing. Upon expiration of the 10 days, the eggs shall be removed from the labeled cartons or the official grade mark shall be completely obliterated.

(10) Sampling, break-out testing, and maintenance of records of break-out tests shall be done by or under the immediate supervision of a governmentally employed grader. Such graders shall make examinations of all packaged product to observe compliance with U.S. Grade AA standards for shell conditions, loss and foreign material, such as blood and meat spots. The size of the samples shall be on the basis of the requirements of § 56.4.

9. Add a new § 56.44a to read:

§ 56.44a Requirements for eggs packaged under the U.S. Grade A mark, as shown in Figure 7 of § 56.38b.

Eggs packaged with the grade label designation specified in § 56.38b shall meet all of the provisions of § 56.44, except for the following:

(a) A flock shall consist of birds located on the same farm and managed under identical supervision.

(b) A flock may be eligible for entry under the program when a sample of 25 eggs drawn at random averages 55 Haugh units or higher: *Provided,* That the sample contains not more than four (4) eggs measuring less than 55 Haugh units, and that no egg in the sample has a yolk with serious defects.

(c) A flock may remain on the program: *Provided,* That no individual weekly average is below 55 Haugh units; no eggs have yolks with serious defects; and not more than 2 eggs in any sample of 10 eggs measure less than 55 Haugh units.

(d) The weekly average shall be computed by averaging the results obtained by testing 10 eggs per flock per week. Samples shall be drawn at random once a week.

§ 56.200 [Amendment]

10. Change paragraph (b) of § 56.200 to read:

(b) Interior egg quality specifications for these standards are based on the apparent condition of the interior contents of the egg as it is twirled before the candling light, except as otherwise provided in § 56.44 or § 56.44a. Any type or make of candling light may be used that will enable the particular grader to make consistently accurate determination of the interior quality of shell eggs. It is desirable to break out an occasional egg and by determining the Haugh unit value of the broken-out egg, compare the broken-out and candled appearance, thereby aiding in correlating candled and broken-out appearance.

§ 56.210 [Amendment]

11a. Add the following sentence to paragraph (b) of § 56.210: "With respect to a broken-out egg, a firm white has a Haugh unit value of 72 or higher."

b. Add the following sentence to paragraph (c) of § 56.210: "With respect to a broken-out egg, a reasonable firm white has a Haugh unit value of 55 to 72."

c. Add the following sentence to paragraph (d) of § 56.210: "With respect to a broken-out egg, a slightly weak white has a Haugh unit value of 31 to 55."

d. Add the following sentence to paragraph (e) of § 56.210: "With respect to a broken-out egg, a weak and watery white has a Haugh unit value lower than 31."

§ 56.221 [Amendment]

12a. Add the following sentence to paragraphs (a), (b), (c), and (d) of § 56.221: "Loss shall not include inedible eggs as defined in § 56.212."

b. Change paragraph (e)(2) of § 56.221 to read:

(2) "For U.S. Procurement Grade I", individual cases may contain not over 10 percent eggs below B quality: *Provided,* That the average percentage for the lot is not more than is specified for the grade. For "U.S. Procurement Grades II, III, and IV", individual cases may contain not over 18 percent eggs below B quality: *Provided,* That the average percentage for the lot is not more than is specified for the grade.

13. Change Table I—Summary of U.S. Procurement Grades for Shell Eggs, of § 56.222 to read:

TABLE I—SUMMARY OF U.S. PROCUREMENT GRADES FOR SHELL EGGS

U.S. procurement grade	A quality or better (lot average) at least [1]	Maximum tolerance permitted [2] (lot average)	
	Percent	Percent	Quality
I	80	15 to 20 Not over 5	B. Edible eggs below B quality.
II	60	30 to 40 Not over 10	B. Edible eggs below B quality.
III	40	48.3 to 60 Not over 11.7	B. Edible eggs below B quality.
IV	20	68.3 to 80 Not over 11.7	B. Edible eggs below B quality.

[1] Individual cases may contain not over 10 percent less A quality eggs than permitted for the lot: *Provided,* That the average for the lot is not more than the tolerance permitted in any grade. In lots of 200 cases or more, one case in each 10 examined may contain not over 20 percent less A quality eggs than is permitted in any grade.

[2] Within each tolerance for qualities below B, each of the grades may contain not over 3 percent Checks, and a combined total of not over 3/10 percent Dirties, Leakers, and Loss. Loss shall not include inedible eggs as defined in § 56.212. For "U.S. Procurement Grade I," individual cases may contain not over 10 percent eggs below B quality: *Provided,* That the average for the lot is not more than is specified for the grade. For "U.S. Procurement Grades II, III, and IV," individual cases may contain not over 18 percent eggs below B quality: *Provided,* That the average percentage for the lot is not more than is specified for the grade.

14. Add a new title "United States Export Grades and Weight Classes for Shell Eggs", followed immediately by new §§ 56.230 through 56.234 to read:

UNITED STATES EXPORT GRADES AND WEIGHT CLASSES FOR SHELL EGGS

§ 56.230 General.

(a) These export grades are applicable only to shell eggs in lot quantities packaged in accordance with the requirements set forth in § 56.234. A lot may contain any quanitity of one or more cases. Reference to the term "case" means a 30-dozen egg case as used in commercial practices in the United States.

(b) All terms in the United States Standards for Quality of Individual Shell Eggs (§ 56.200 et seq.) shall, when used in this part have the same meaning as is given to them in such standards.

(c) Substitution of higher qualities for the lower qualities specified is permitted.

§ 56.231 Grades.

(a) "U.S. Export Grade I" shall consist of eggs of which at least 80 percent are A quality or better. Within the maximum of 20 percent which may be below A quality, not more than 5 percent may be of the qualities below B. Said maximum tolerance of 5 percent may consist of C quality, not more than 3 percent Checks, and not more than 3/10 percent Dirties, Leakers, and Loss combined. Loss shall not include inedible eggs as defined in § 56.212.

(b) "U.S. Export Grade II" shall consist of eggs of which at least 60 percent are A quality or better. Within the maximum of 40 percent which may be below A quality, not more than 10 percent may be of the qualities below B. Said maximum tolerance of 10 percent may consist of C quality, not more than 3 percent Checks, and not more than 3/10 percent Dirties, Leakers, and Loss combined. Loss shall not include inedible eggs as defined in § 56.212.

(c) "U.S. Export Grade III" shall consist of eggs of which at least 40 percent are A quality or better. Within the maximum of 60 percent which may be below A quality, not more than 11.7 percent may be of the qualities below B. Said maximum tolerance of 11.7 percent may consist of C quality, not more than 3 percent Checks, not more than 3/10 percent Dirties, Leakers, and Loss combined. Loss shall not include inedible eggs as defined in § 56.212.

(d) "U.S. Export Grade IV" shall consist of eggs of which at least 20 percent are A quality or better. Within the maximum of 80 percent which may be below A quality, not more than 11.7 percent may be of the qualities below B. Said maximum tolerance of 11.7 percent may consist of C quality, not more than 3 percent Checks, and not more than 3/10 percent Dirties, Leakers, and Loss combined. Loss shall not include inedible eggs as defined in § 56.212.

(e) Individual case tolerance within a lot applying to each of the export grades: (1) Individual cases may contain not over 10 percent less A quality eggs than specified for any export grade: *Provided,* That the average percentage of A quality eggs for the lot is not less than the percentage specified. In lots of 200 cases or more, one case in each 10 examined may contain not over 20 percent less A quality eggs than the minimum percentage specified for the grade.

(2) For "U.S. Export Grade I", individual cases may contain not over 10 percent eggs below B quality: *Provided,* That the average percentage for the lot is not more than is specified for the grade. For "U.S. Export Grades II, III, and IV", individual cases may contain not over 18 percent eggs below B quality: *Provided,* That the average percentage for the lot is not more than is specified for the grade.

§ 56.232 Summary of grades.

The summary of the U.S. Export Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF U.S. EXPORT GRADES FOR SHELL EGGS

U.S. export grade	A quality or better (lot average) at least [1]	Maximum tolerance permitted [2] (lot average)	
	Percent	Percent	Quality
I	80	15 to 20 Not over 5	B. Edible eggs below B quality.
II	60	30 to 40 Not over 10	B. Edible eggs below B quality.
III	40	48.3 to 60 Not over 11.7	B. Edible eggs below B quality.
IV	20	68.3 to 80 Not over 11.7	B. Edible eggs below B quality.

[1] Individual cases may contain not over 10 percent less A quality eggs than permitted for the lot: *Provided,* That the average for the lot is not more than the tolerance permitted in any grade. In lots of 200 cases or more, one case in each 10 examined may contain not over 20 percent less A quality eggs than is permitted in any grade.

[2] Within each tolerance for qualities below B, each of the grades may contain not over 3 percent Checks, and a combined total of not over 3/10 percent Dirties, Leakers, and Loss. Loss shall not include inedible eggs as defined in § 56.212. For "U.S. Export Grade I," individual cases may contain not over 10 percent eggs below B quality: *Provided,* That the average percentage for the lot is not more than is specified for the grade. For "U.S. Export Grades II, III, and IV," individual cases may contain not over 18 percent eggs below B quality: *Provided,* That the average percentage of the lot is not more than is specified for the grade.

§ 56.233 Weight classes.

(a) The weight classes for United States Export Grades for Shell Eggs shall be as indicated in Table I of this section and shall apply to all export grades:

TABLE I—WEIGHT CLASSES FOR UNITED STATES EXPORT GRADES

Weight classes	Average net weight on lot basis 30-dozen case	Minimum net weight individual 30-dozen case	Minimum weight of individual eggs, at net rate per dozen	Maximum average percent of individual eggs below minimum weight lot average [1]
	Pounds	*Pounds*	*Ounces*	*Percent*
Extra large	50.5	50	26	3.33
Large	45	44.5	23	3.33
Medium	39.5	39	20	3.33
Small	34	33.5	17	3.33

[1] Individual cases may contain not over 10 percent of individual eggs below minimum weights specified in any weight class, but such eggs shall weigh not less than the minimum specified for the next lower weight class.

§ 56.234 Packaging material.

(a) Eggs graded and labeled as an export grade shall be packed in new standard cases and new standard packing material. New standard wood cases shall comply with the requirements of paragraph 5.2.1.2 of Interim Federal Specification C-E-00271c "Eggs Shell", dated November 12, 1958. New standard fiber cases shall be of one of the following types:

Type C Case

(1) Solid or double-faced corrugated fiber.

(2) 65-pound box with 220 pounds per square inch bursting strength.

(3) The fiberboard of which the box is made must be scored and folded so as to provide double thickness over entire area of ends and sides. Also, the bottoms and center partitions must consist of at least 2 thicknesses of such fiberboard.

(4) The center partitions must be held firmly in position in center of case.

Type D Case

(1) Cases made of double-faced corrugated fiberboard with not less than 200 pounds bursting strength *and* must have, in addition, an asphalted corrugating sheet not less than 0.013 inches thick.

(2) The fiberboard of which the box is made must be scored and folded so as to provide double thickness over entire area of bottom and ends. Center partition must consist of at least 2 thicknesses of such fiberboard and must be held firmly in position in center of case.

Type E Case

(1) Double-faced corrugated fiberboard of at least 4-ply solid fiberboard.

(2) 90-pound box.

(3) The fiberboard of which the box is made must be scored and folded so as to provide double thickness over entire areas of at least 2 of the 4 following parts: bottoms, ends, sides and center partition.

(4) Center partition must be held in position in center of case.

Type F Case

(1) Double-faced corrugated fiberboard.

(2) 65-pound box with 220 pounds per square inch of bursting strength.

(3) Center partition must be of double thickness and not less than 200 pounds per square inch bursting strength. Also, a flange on each side not less than 7/8 of an inch wide which must be fastened to sidewalls with at least 5 staples equally spaced between top and bottom.

(4) The two thicknesses forming center partition must be stapled together.

(5) Fiberboard forming center partition must extend over entire area of bottom providing double thickness.

(6) Ends must be double wall corrugated fiberboard, testing not less than 350 pounds with flanges not less than 7/8 of an inch forming recessed ends. Ends must be stapled to sidewalls and bottom with not less than 6 staples.

(b) Each case must bear the certificate of the box maker that the box conforms to all construction requirements of the Uniform or Consolidated Freight Classification; also, this mark should show the bursting test (200 to 220 pounds per square inch) and the gross weight (65 or 90 pounds) of box.

(c) Sealing: The tops of all cases must be closed securely so they will not open during transportation, by applying a 3-inch gummed tape over all seams (made by the closing of the case). The tape shall extend down the sides and ends of the cases not less than 3 inches.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624; 19 F.R. 74)

Issued at Washington, D.C., this 12th day of June 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-5007; Filed, June 18, 1959; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 101]

[Docket No. R-173]

REVISION OF UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT

Notice of Proposed Rule Making

JUNE 12, 1959.

Notice is hereby given that the notice of proposed rule making heretofore issued in the above matter on April 1, 1959, and published in the FEDERAL REGISTER on May 14, 1959 (24 F.R. 3905) is hereby amended in the following respects:

1. Paragraph 2 of the notice is amended to provide that the proposed effective date of the revised uniform system of accounts shall be January 1, 1961, instead of January 1, 1960, as set forth in the original notice.

2. The time to file data, views, and comments provided for in paragraph 10 of the notice is extended from June 15, 1959, to September 30, 1959.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5074; Filed, June 18, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

PASSAGE OF ROYAL YACHT BRITANNIA

St. Lawrence River, Great Lakes and Connecting Waters

1. By authority of section 7 of the River and Harbor Act of August 8, 1917 (33 U.S.C. 1) the following special regulations, effective on publication in the FEDERAL REGISTER and supplementing existing regulations, are hereby prescribed to govern the use and navigation of the navigable waters of the United States in the St. Lawrence River, the Great Lakes and Connecting Waters during the passage of the Royal Yacht Britannia and escorting vessels.

2. *Control.* The anchorage and movement of all vessels on the United States side of the International Boundary shall be under the control of the Commandant of the United States Coast Guard, and all officers of the Coast Guard are hereby empowered and authorized to require observance of the regulations. Waters on the Canadian side of the boundary will be under the control of the Royal Canadian Mounted Police.

3. *Patrols.* All navigators are required to yield prompt and implicit obedience to the orders of officers of the United States Coast Guard. The following sound signals will be used by patrolling craft:

(a) Three long blasts mean the vessel signaled is moving at too high a speed; the vessel shall slacken speed immediately.

(b) Four long blasts mean the vessel signaled must stop until further orders are received from the patrol vessel.

(c) Three short blasts mean the vessel signaled must give way and clear the channel as quickly as possible.

4. *Restricted area.* No craft of any description shall approach within 50 yards of the "Britannia," escort vessels, or the Royal Barge (launch).

5. *Obstruction of "Britannia" and escort vessels.* All small craft and sightseeing vessels shall, on the approach of the "Britannia" and escorts, clear the channel and lay to until the convoy has passed, and shall make no attempt to overtake, pass, or approach closer than 50 yards to the "Britannia" and/or escort vessels. No craft shall be maneuvered so as to affect adversely the movement of the "Britannia" and escort vessels. All craft shall accord the right-of-way to the "Britannia" and escorts.

6. *Traffic control in channels (Detroit River, Lake St. Clair and St. Clair River).* (a) *Upbound.* Upbound vessels, requiring use of the channels, will not be permitted to enter these channels one-half hour before the entrance of the "Britannia" and escort vessels. Such upbound vessels may enter these channels one-half hour after the entrance of the "Britannia" and escort vessels. This time and corresponding distance interval shall not be diminished and all vessels shall proceed in accordance with existing regulations governing the speed of vessels in such channels.

(b) *Downbound.* No downbound vessel, requiring use of the channels, shall overtake any other vessel during the time specified below or as may be announced by the United States Coast Guard:

Detroit River:
July 2, 1959, 6:00 a.m. to noon.
July 3, 1959, 2:00 p.m. to 4:00 p.m.
Lake St. Clair:
July 3, 1959, 3:00 p.m. to 6:00 p.m.
St. Clair River:
July 3, 1959, 5:00 p.m. to 11:00 p.m.
July 4, 1959, 2:00 p.m. to 4:00 p.m.
St. Marys River:
July 8, 1959, 6:00 a.m. to 12 noon.

(Date and time subject to change as planning progresses.)

[Regs., June 8, 1959, 285/91 (St. Lawrence River, Great Lakes, and Connecting Waters)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-5073; Filed, June 18, 1959; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[426.85]

ELECTRIC CAST CUTTERS

Notice of Change of Tariff Classification

JUNE 12, 1959.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated April 2, 1959, that the tariff classification of De Soutter electric cast cutters was under review. The Bureau by its letter to the collector of customs at New York, N.Y., dated June 12, 1959, ruled that the De Soutter electrically operated cast cutters which have a circular oscillating, rather than rotating, blade, and which are chiefly used by orthopedic surgeons and/or by specially trained technicians associated with orthopedic surgeons in the removal of casts are classifiable as surgical instruments composed wholly or in part of metal under paragraph 359, Tariff Act of 1930, and not as articles having as an essential feature an electrical element or device, such as motors, * * * portable tools, under paragraph 353.

As this ruling will result in the assessment of duty at a higher rate than has heretofore been assessed under an established and uniform practice, it shall be applied to such or similar merchandise only when entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 59-5098; Filed, June 18, 1959; 8:48 a.m.]

[493.32]

CERTAIN FLEXIBLE WIRE COMBS IMPORTED IN INDIVIDUAL SIZES

Notice of Proposed Tariff Classification

JUNE 12, 1959.

It appears that certain flexible wire combs consisting of a zigzag arrangement of flexible steel wire forming the teeth, slightly under 1¼ inches in height, stretched and inserted in the hair to grip and retain the hair, imported in various individual sizes, soldered at both ends, either unpainted or painted in hair shades, are, when valued over 20 cents but not over $5 per dozen, classifiable under paragraph 1527(c)(2), Tariff Act of 1930, as articles, finished or unfinished, designed to be worn on the person, such as combs, dutiable under that paragraph, as modified, at the rate of 55 percent ad valorem.

Pursuant to § 10.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that the existing practice of assessing duty on this merchandise at the rate of 40 percent ad valorem under paragraph 1527(d), as

modified, as materials of metal, suitable for use in the manufacture of articles provided for in paragraph 1527 (a), (b), or (c) is under review in the Bureau.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 59-5099; Filed, June 18, 1959; 8:48 a.m.]

Foreign Assets Control

IMPORTATION OF SILVERWARE, INCLUDING SILVER PLATE, CHINESE-TYPE, DIRECTLY FROM HONG KONG

Available Certifications by the Government of Hong Kong

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Foreign Assets Control are available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodity:

Silverware, including silver plate, Chinese-type.

[SEAL] EDWIN F. RAINS,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 59-5138; Filed, June 18, 1959; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-39]

CURTISS-WRIGHT CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3 set forth below to License R-36 authorizing Curtiss-Wright Corporation to operate the Company's research reactor at Quehanna, Pennsylvania at power levels up to one (1) megawatt (thermal). The Commission has found that continuous operation at this level under the terms and conditions of the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

Curtiss-Wright Corporation in its original application dated October 24, 1956 applied for a license to operate its reactor at a thermal power level of one (1) megawatt. Because of a delay in the installation of the forced circulation system, License R-36 issued to Curtiss-Wright Corporation contained a provision limiting the thermal power level to 100 kilowatts until installation of the cooling system. Subsequently the license was amended to permit operation of the reactor at power levels up to one (1) megawatt for test runs not to exceed ten (10) hours in duration. By letter dated April 27, 1959 Curtiss-Wright renewed its application for license authorizing continuous operation at one (1) megawatt. An inspection by a representative of the Commission confirms that the forced circulation cooling system is installed and operable in substantial conformity with the license application as amended. Therefore, the Commission has amended paragraph 4a(2) of License R-36 to permit continuous operation at power levels up to one (1) megawatt (thermal).

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation at the levels authorized by this amendment was considered as part of the analysis of the original application and finding made at that time that there was reasonable assurance that the facility can be operated without endangering the health and safety of the public.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty (30) days after issuance of the license amendment. For further details, see the application for license and amendments thereto submitted by Curtiss-Wright Corporation on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 12th day of June 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-36, Amdt. 3]

Paragraph 4.a(2) is hereby amended to read as follows:

(2) Curtiss-Wright shall not operate the facility at a power level in excess of one (1) megawatt (thermal).

Date of issuance: June 12, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

[F.R. Doc. 59-5049; Filed, June 18, 1959; 8:45 a.m.]

[Docket No. 50-133]

PACIFIC GAS & ELECTRIC CO.

Application for Construction Permit and Utilization Facility License

EDITORIAL NOTE: This application is published pursuant to section 182(b) of the Atomic Energy Act of 1954 (68 Stat. 954; 42 U.S.C. 2232(b)) which requires publication in the FEDERAL REGISTER once a week for four consecutive weeks.

Please take notice that Pacific Gas and Electric Company, 245 Market Street, San Francisco, California, under section 103 of the Atomic Energy Act of 1954 has submitted an application for license authorizing construction and operation of a 50 megawatt (electrical) single-cycle, natural internal circulation, boiling water nuclear reactor as part of Unit No. 3 at its Humboldt Bay Power Plant located near Eureka, California. A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 5th day of June 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59-4857; Filed, June 11, 1959; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

EDMUND W. DUGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as last reported in the FEDERAL REGISTER.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of June 1, 1959.

EDMUND W. DUGAN.

JUNE 9, 1959.

[F.R. Doc. 59-5093; Filed, June 18, 1959; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Order No. E-14046; Docket No. 10616]

ALASKA AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of June 1959.

In the matter of reduced local and joint fares proposed by Alaska Airlines, Inc., Docket No. 10616.

Alaska Airlines, Inc. (Alaska), by tariff revisions filed May 18, 1959, proposes to reduce its local passenger fares between Portland, Oreg., and Seattle, Wash., on the one hand, and McGrath, Alaska, on the other. In addition, Alaska proposes to reduce the joint fares between Portland and McGrath which apply via West Coast Airlines, Inc., Western Air Lines, Inc., Northwest Airlines, Inc., or United Air Lines, Inc.,

from Portland to Seattle, thence via Alaska to McGrath.[1]

The Board, after consideration of the proposed reduced fares, finds that such fares may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof.

Accordingly, it is ordered, That:

1. An investigation be and hereby is instituted to determine whether the fares and provisions between McGrath, Alaska, on the one hand, and Portland, Oreg., and Seattle, Wash., on the other hand, appearing on 9th Revised Page 5 and 9th Revised Page 6 of Alaska Airlines, Inc.'s tariff C.A.B. No. 45 are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. Pending such investigation, hearing and decision by the Board, the fares and provisions between McGrath, Alaska, on the one hand, and Portland, Oreg., and Seattle, Wash., on the other, appearing on 9th Revised Page 5 and 9th Revised Page 6 of Alaska Airlines, Inc.'s tariff C.A.B. No. 45 be and hereby are suspended and their use deferred to and including September 14, 1959, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission by the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. A copy of this order be filed with the aforesaid tariff and a copy be served upon Alaska Airlines, Inc., Northwest Airlines, Inc., United Air Lines, Inc., West Coast Airlines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding. This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[F.R. Doc. 59-5113; Filed, June 18, 1959; 8:49 a.m.]

[Docket No. 7141]

HANCOCK / HOUGHTON - DULUTH / SUPERIOR-PORT ARTHUR, CANADA SERVICE CASE

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that the hearing in the above-entitled proceeding heretofore assigned to begin on July 9, 1959, is postponed to July 16, 1959, at 10:00 a.m. (local time), Courtroom 2, U.S. Post Office and Court House Building, Duluth, Minnesota, before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., June 15, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-5114; Filed, June 18, 1959; 8:49 a.m.]

CIVIL SERVICE COMMISSION

NATIONAL SCIENCE FOUNDATION; SKILLS CRITICAL TO NATIONAL SECURITY EFFORT

Notice of Positions for Which There Is Determined To Be a Manpower Shortage

Under the provisions of Public Law 85-749, the Civil Service Commission has determined that for the following positions there is a manpower shortage in skills critical to the national security effort:

Positions at grade GS-12 (or equivalent) and above in the National Science Foundation, which require the services of an individual who qualifies as a physical, biological, or mathematical scientist.

Geographic coverage is the Washington, D.C., metropolitan area.

For appointees to such positions the National Science Foundation may pay travel and transportation costs in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-5087; Filed, June 18, 1959; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

REGIONAL REPRESENTATIVES AND REGIONAL ENGINEERS ET AL.

Revocation of Delegations of Authority With Respect to Disaster Relief Program

The following delegations of authority with respect to the Disaster Relief Program are hereby revoked:

1. Delegations of Authority to Regional Representatives and Regional Engineers, effective August 2, 1951 (16 F.R. 7576, August 2, 1951);

2. Delegation of Authority to Regional Representatives and Engineers, Regions III (Chicago) and IV (Fort Worth), effective September 1, 1953 (18 F.R. 5575, September 17, 1953);

3. Delegation of Authority to Regional Representatives, Regions III (Chicago) and IV (Fort Worth), effective September 16, 1953 (18 F.R. 5557, September 16, 1953).

Effective as of the 19th day of June 1959.

[SEAL] NORMAN P. MASON,
Housing and Home Finance Administrator.

[F.R. Doc. 59-5097; Filed, June 18, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11757; FCC 59M-761]

DOUGLAS H. McDONALD

Order Continuing Hearing

In the matter of order directing Douglas H. McDonald, Trustee, permittee of Television Station WTVW, Channel 7, Evansville, Indiana, to show cause why authorization for Station WTVW, Evansville, Indiana, should not be modified to specify operation on Channel 31 in lieu of Channel 7; Docket No. 11757.

The Hearing Examiner having under consideration "Joint Motion for Continuance of Hearing" filed on June 11, 1959, by Douglas H. McDonald, Trustee, and the Broadcast Bureau requesting a continuance of the hearing herein presently scheduled for June 16, 1959;

It appearing that good cause is shown why said motion should be granted and there is no opposition thereto;

It is therefore ordered, This 16th day of June 1959, that the hearing in this proceeding now scheduled to commence on June 16, 1959, be, and the same is hereby, continued to a date to be hereinafter determined.

Released: June 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5106; Filed, June 18, 1959; 8:49 a.m.]

[Docket No. 12310; FCC 59M-760]

ENTERTAINMENT AND AMUSEMENTS OF OHIO, INC.

Order Continuing Hearing

In re application of Entertainment and Amusements of Ohio, Inc., Solvay, New York, Docket No. 12310, File No. BP-10988; for construction permit.

Pursuant to ruling made on the record, and to await Commission action on a pending application which is entitled to be consolidated in this proceeding,

It is ordered, This 15th day of June 1959, that the hearing in this proceeding is continued to a date to be fixed by subsequent order.

Released: June 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5107; Filed, June 18, 1959; 8:49 a.m.]

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[1] Alaska Airlines, Inc. C.A.B. No. 45.

[2] Concurring and dissenting opinion of Member Minetti filed as part of original document.

[Docket Nos. 12842, 12843; FCC 59M-754]

TOP BROADCASTERS, INC., AND NATALIA BROADCASTING CO.

Order Continuing Hearing

In re applications of Top Broadcasters, Inc., San Antonio, Texas, Docket No. 12842, File No. BP-12321; Manuel G. Davila and Manuel D. Leal, d/b as The Natalia Broadcasting Company, Natalia, Texas, Docket No. 12843, File No. BP-12499; for construction permits for new standard broadcast stations.

It is ordered, This 12th day of June 1959, that, pursuant to agreement of counsel arrived at during the prehearing conference held on this date, the hearing in the above-entitled proceeding, presently scheduled to commence on June 17, 1959, is continued to July 9, 1959, at 10 o'clock a.m., in Washington, D.C.

Released: June 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5108; Filed, June 18, 1959; 8:49 a.m.]

[Docket Nos. 12848, 12851; FCC 59M-759]

YAKIMA TELEVISION CORP. AND YAKIMA VALLEY TELEVISION CO.

Order Continuing Hearing

In re applications of Yakima Television Corporation, Yakima, Washington, Docket No. 12848, File No. BPCT-2438; Ralph Tronsrud d/b as Yakima Valley Television Co., Yakima, Washington, Docket No. 12851, File No. BPCT-2587; for construction permits for new television broadcast stations (Channel 23).

It is ordered, This 15th day of June 1959, on the Hearing Examiner's own motion, that the hearing scheduled for June 17, 1959, is continued to June 19, 1959, at 10:00 a.m.

Released: June 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5109; Filed, June 18, 1959; 8:49 a.m.]

[Docket No. 12880; FCC 59M-752]

JACKSON GRIFFIN

Order Scheduling Hearing

In the matter of Jackson Griffin, P.O. Box 393, Golden Meadow, Louisiana, Docket No. 12880; order to show cause why there should not be revoked the license for Radio Station WG-8506 aboard the vessel "Jackson."

It is ordered, This 12th day of June 1959, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 3, 1959, in Washington, D.C.

Released: June 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5110; Filed, June 18, 1959; 8:49 a.m.]

[Docket Nos. 12895, 12896; FCC 59M-753]

BUCKLEY-JAEGER BROADCASTING CORP. AND WHDH, INC.

Order Scheduling Hearing

In re applications of Buckley-Jaeger Broadcasting Corporation, Providence, Rhode Island, Docket No. 12895, File No. BPH-2552; WHDH, Inc., Boston, Massachusetts, Docket No. 12896, File No. BPH-2575; for construction permits for FM broadcast stations.

It is ordered, This 12th day of June 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 3, 1959, in Washington, D.C.

Released: June 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5111; Filed, June 18, 1959; 8:49 a.m.]

[Canadian List 134]

CANADIAN BROADCAST STATIONS

Changes, Proposed Changes, and Corrections in Assignments

JUNE 5, 1959.

Notifications under the provisions of Part III, section 2, of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		600 kilocycles				
CFCH (PO: 600 kc 1 kw DA-1).	North Bay, Ontario	10 kw D/5 kw N	DA-2	U	III	EIO 6-15-60.
		680 kilocycles				
CKGB (PO: 680 kc 5 kw DA-N).	Timmins, Ontario	10 kw	DA-2	U	II	EIO 6-15-60.
		730 kilocycles				
New	Lethbridge, Alberta	1 kw D/0.5 kw N	DA-N	U	II	Delete assignment.
CKDM (PO: 730 kc 1 kw D/0.25 kw N ND).	Dauphin, Manitoba	10 kw D/5 kw N	DA-N	U	II	EIO 6-15-60.
		1150 kilocycles				
CKOC (PO: 1150 kc 5 kw DA-2).	Hamilton, Ontario	10 kw D/5 kw N	DA-2	U	III	EIO 6-15-60.
		1260 kilocycles				
CFRN (change from DA-2 to DA-N).	Edmonton, Alberta	10 kw	DA-N	U	III	EIO 6-15-60.
		1280 kilocycles				
New	Hamilton, Ontario	5 kw D/2.5 kw N	DA-2	U	III	EIO 6-15-60.
		1340 kilocycles				
New	Cabano, Onatrio	0.25 kw	ND	U	IV	EIO 6-15-60.
		1420 kilocycles				
New	Peterborough, Ontario	1 kw D/0.5 kw N	DA-2	U	III	EIO 6-15-60.
		1460 kilocycles				
CKRB (PO: 1250 kc 5 kw D/1 kw N DA-N).	St. Georges de Beauce, P. Q.	10 kw D/5 kw N	DA-N	U	III	EIO 6-15-60.
		1570 kilocycles				
New	St. Hyacinthe, P.Q.	5 kw	DA-N	U	II	Delete assignment.
New	Dorval-Pointe Claire, P.Q.	5 kw	DA-1	U	II	EIO 6-15-60.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5112; Filed, June 18, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18359]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

JUNE 12, 1959.

Take notice that on April 22, 1959, The Ohio Fuel Gas Company (Applicant) filed in Docket No. G-18359 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain additions to its existing transmission system in the State of Ohio, and for permission and approval to abandon certain other facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under this application to replace 37.6 miles of existing 4-, 6-, and 8-inch transmission pipeline with 28.4 miles of larger diameter 6- to 12-inch pipeline on segments of its system in Hancock, Wyandot, Wayne, Stark, Carroll, Columbiana, Coshocton, Fairfield, Perry and Muskingum Counties; to construct and operate 9.2 miles of 24-inch loop line in Seneca County on Line D-415 serving Toledo, and to retire 7.4 miles of defective 3- and 4-inch transmission line in Carroll and Harrison Counties. The proposed replacements and additions in general will provide improved service and additional capacity to maintain adequate service to the markets supplied from the lines involved, and will eliminate expensive maintenance and repairs on old and defective pipeline segments which are proposed to be abandoned in the ground or recovered and sold.

The total estimated capital cost of proposed facilities is $1,740,500. The estimated credit to fixed capital for the facilities to be retired is $223,450, $97,650 for cost of retiring and $114,500 estimated salvage value. Applicant's parent, The Columbia Gas System, Inc., will provide the necessary financing.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 16, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 3, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5075; Filed, June 18, 1959; 8:45 a.m.]

[Docket No. G-17583]

PHILLIPS PETROLEUM CO.

Notice of Application and Date of Hearing

JUNE 12, 1959.

Take notice that Phillips Petroleum Company (Applicant) filed an application on January 19, 1959, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing a sale of natural gas as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant seeks authority to make a limited sale of 2,900,000 Mcf of natural gas to Kerr-McGee Oil Industries, Inc. (Kerr-McGee) for resale to Northern Natural Gas Company (Northern Natural) from its Rock-Pam Gas Gathering System, Hutchinson, Carson and Gray Counties, Texas, pursuant to a gas sales contract dated December 22, 1958, which contract will terminate with the purchase of said volume of gas. Applicant proposes to deliver at a rate up to but not to exceed 8,000 Mcf per day.

Applicant states that the subject gas is a surplus volume presently available over and above the deliveries previously committed to its gathering system and will be of a temporary nature.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 23, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 10, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5076; Filed, June 18, 1959; 8:45 a.m.]

[Docket No. G-17038]

RUTTER AND WILBANKS BROTHERS

Notice of Application and Date of Hearing

JUNE 12, 1959.

Take notice that Rutter and Wilbanks Brothers, Operator (Applicant)[1] filed an application in Docket No. G-17038 on November 24, 1958, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale of casinghead gas to El Paso Natural Gas Company (El Paso), from the Aldwell and Aldwell "B" Leases in the Spraberry Trend Area, Reagan County, Texas. The sale was previously made by J. N. Huttig, et al.[2] under a contract dated April 12, 1954, as amended, between Amerada Petroleum Corporation (Amerada), as seller, and El Paso, as buyer, which contract was previously accepted for filing as J. N. Huttig, et al. FPC Gas Rate Schedule No. 3. The foregoing sale and operation are more fully described in the application on file with the Commission and open to public inspection.

Applicant states that by instrument of assignment dated September 1, 1958 and effective the same date, Huttig, Andersen, Randall and Johnson assigned their interests in the subject leases[3] to Strong Drilling Company (Drilling), which, by instrument dated October 4, 1958, but effective September 1, 1958, reassigned its acquired interest to Applicant subject, among other things, to an oil production payment reservation.

The application recites that by order issued October 10, 1958, In the Matters of Amerada Petroleum Corporation, et al., Docket Nos. G-4771, et al., Huttig,

[1] Applicant, a partnership composed of Jess Wilbanks, F. L. Wilbanks, A. W. Rutter and A. W. Rutter, Jr., files for itself and as operator for the other co-owners, all signatories through assignments. The interests of the other co-owners in each of the leases herein are as follows: Applicant, 0.87500; Ace Electric Company, 0.04437; Mrs. Dialtha Martin, 0.03423; Marjean D. Fox, 0.00343; and MJW Producing Company, 0.04297.

[2] "Et al." parties are Martin Andersen, Walter Doane Randall, George W. Johnson and the parties in Footnote 1 except Applicant.

[3] Such interests (21/128 each), down to a depth of 8,100 feet, had been acquired from D. D. Strong, who had acquired Amerada's interest in said leases down to said depth.

Randall, Johnson and Andersen in Docket Nos. G–10701 through G–10704, respectively, were authorized to render service to El Paso from the subject leases.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 20, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 10, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–5077; Filed, June 18, 1959; 8:45 a.m.]

[Docket No. G–16373]

P. O. BURGY DRILLING AND PRODUCING CO.

Notice of Amended Application and Date of Hearing

JUNE 12, 1959.

Take notice that P. O. Burgy Drilling and Producing Company (Applicant), filed an application on September 22, 1958, for a certificate of public convenience and necessity authorizing the sale of natural gas to Hope Natural Gas Company for transportation in interstate commerce for resale, from production in the Grant District, Ritchie County, West Virginia, under a gas sales contract dated September 10, 1958. Applicant was granted temporary authorization for the subject sale on October 2, 1958.

On January 30, 1959, Applicant filed an amendment to its original application in this proceeding requesting permission and approval to abandon the above described service, stating that subsequent to the original filing, the well from which the gas was being produced has been drowned out and production of gas from this property is no longer economically feasible.

The amended application is on file with the Commission and open to public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 21, 1959 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the Procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 10, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–5078; Filed, June 18, 1959; 8:45 a.m.]

[Docket No. E–6888]

NORTHERN STATES POWER CO. (MINNESOTA)

Notice of Application

JUNE 12, 1959.

Take notice that on June 9, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northern States Power Company ("Applicant"), a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of 952,033 shares of $5 par value Common Stock. Applicant proposes to issue the Common Stock during the period July 27 to August 18, 1959. Said Common Stock will be offered (a) to holders of Applicant's Common Stock on the basis of one share for each fifteen shares of Common Stock held of record and at a price to be determined by Applicant at a later date by mailing such holders a subscription warrant; (b) to Applicant's and its subsidiaries' employees such Common Stock as shall not be subscribed for by the holders of subscription warrants; and (c) to competitive bidders, at the subscription price, such of the above shares of Common Stock as are not subscribed for by holders of subscription warrants or by employees of Applicant or its subsidiaries. In cases where the number of shares of Common Stock held by any of Applicant's shareholders on the record date is not evenly divisible by fifteen, the warrant each such shareholder will receive will entitle him to subscribe for one share in lieu of the fraction of a share to which he would otherwise be entitled. The proceeds from the issuance and sale of the aforesaid Common Stock will be added to Applicant's general funds and used to pay part of the expenditures incurred and to be incurred in 1959 under the construction program of Applicant.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 2d day of July 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–5079; Filed, June 18, 1959; 8:45 a.m.]

[Docket No. G–18686]

MISSISSIPPI RIVER FUEL CORP.

Notice of Application and Date of Hearing

JUNE 12, 1959.

Take notice that on June 3, 1959, supplemented on June 5, 1959, Mississippi River Fuel Corporation (Applicant) filed in Docket No. G–18686 an application for a certificate of public convenience and necessity authorizing the continued operation of existing facilities to provide direct natural gas service to Armour and Company, the purchaser of a chemical plant owned and operated by Applicant near Crystal City, Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities which Applicant seeks to continue to operate herein consist of a tap and measuring and regulating facilities on Applicant's Main Line No. 1, authorization for the construction and operation of which was granted to Applicant by order issued on June 24, 1954, in Docket No. G–2417, and approximately 25,100 feet of 12-inch service line and a metering station at the plant site. Applicant constructed and has heretofore operated the subject chemical plant producing ammonia, nitric acid and ammonium nitrate, which plant is to be sold by Applicant to Armour and Company.

The service sought to be continued consists of providing up to 13,000 Mcf of natural gas per day on an interruptible basis as fuel and as raw material for the aforesaid chemical plant. The proposed price of gas to Armour and Company is

25 cents per Mcf for gas used as fuel and 35 cents per Mcf for gas used in processing.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 29, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 26, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5080; Filed, June 18, 1959; 8:45 a.m.]

[Project No. 2165]

ALABAMA POWER CO.

Notice of Application for Amendment of License

JUNE 15, 1959.

Public notice is hereby given that Alabama Power Company, of Birmingham, Alabama, has filed application under the Federal Power Act (16 U.S.C. 791a-825r) for amendment of the license for waterpower Project No. 2165, located on the Black Warrior River and the Sipsey Fork of Black Warrior River in Cullman, Winston, Walker, and Tuscaloosa Counties, Alabama, for direction pursuant to Article 29 of the license to install a second generating unit (111,500 horsepower) at the Lewis Smith Development and for authority to install one 63,000-horsepower unit instead of two 31,200-horsepower units in, and to modify the design of the John Hollis Bankhead powerhouse at United States Lock and Dam No. 17 on the Black Warrior River in Alabama.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is July 20, 1959. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5081; Filed, June 18, 1959; 8:45 a.m.]

[Project No. 2067]

OAKDALE AND SOUTH SAN JOAQUIN IRRIGATION DISTRICT, TULLOCH PROJECT

Land Withdrawal; Modification

JUNE 15, 1959.

By letter of March 6, 1951, and withdrawal notice of June 25, 1956, this Commission gave notice to the Director, Bureau of Land Management, of the reservation of approximately 191 acres of lands of the United States pursuant to the filing of an application for license by the Oakdale and South San Joaquin Irrigation Districts on December 18, 1950.

On May 11, 1959, the licensee filed an application for amendment of license supported by revised map exhibits establishing a final project boundary for the Tulloch development. The revised exhibits show the project boundary to be the 515-foot contour elevation, insofar as Government lands are concerned. This indicates some of the lands previously withdrawn in connection with Project No. 2067 are no longer required for project purposes.

Under these circumstances and in accordance with Section 24 of the Act, notice is hereby given that the lands hereinafter described insofar as title thereto remains in the United States, are included in power Project No. 2067 for which completed amendatory application for license was filed May 11, 1959. Under said section 24, these lands are from date of filing reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

All portions of the following subdivisions lying within the project boundary as delimited on map designated as K-1 revised (F.P.C. No. 2067-16), entitled "Oakdale Irrigation District, South San Joaquin Irrigation District, Tulloch Project, Map of Project Boundary," filed in the Federal Power Commission May 6, 1959, superseding Exhibit K-1 (F.P.C. No. 2067—sheet 2).

T. 1 N., R. 12 E.,
Sec. 24, SW¼NE¼NW¼, W½SE¼NE¼NW¼;
Sec. 36, fractional SE¼SE¼ (unsurveyed).
T. 1 N., R. 13 E.,
Sec. 21, SE¼SE¼;
Sec. 28, NW¼NW¼, N½NE¼NW¼;
Sec. 29, W½W½SE¼SE¼.
T. 1 S., R. 12 E.,
Sec. 1, lot 3.

This notice modifies and supersedes that given March 6, 1951, and June 25, 1956, in connection with Project No. 2067. The area of lands of the United States reserved pursuant to the filing of this amendment is approximately 37.21 acres, of which approximately 32.45 acres have been heretofore reserved for power purposes in connection with Power Site Classification Nos. 220 and 389 and Power Site Reserve No. 86.

Copies of the amendatory project map (F.P.C. No. 2067-16) have been transmitted to the Bureau of Land Management and Geological Survey.

J. H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5082; Filed, June 18, 1959; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-5787 etc.]

HOUSEHOLD FINANCE CORP.

Notice of Application and Opportunity for Hearing

JUNE 12, 1959.

In the matter of Household Finance Corporation, File No. 2-5787; File No. 2-12984; File No. 2-14618.

Notice is hereby given that Household Finance Corporation ("Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 for a finding by the Commission that trustship of Morgan Guaranty Trust Company of New York ("Morgan Guaranty") under the five indentures hereinafter described is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan Guaranty from acting as such under all five indentures namely, (1) an indenture dated as of July 1, 1945 (1945 indenture) which was heretofore qualified under the Act, (2) an Indenture dated as of July 1, 1948 (1948 indenture) which was not qualified under the Act, (3) an indenture dated as of July 1, 1951 (1951 indenture) which was not qualified under the Act, (4) an indenture dated as of January 15, 1957 (1957 indenture) which was heretofore qualified under the Act, and (5) an indenture dated as of January 15, 1959 (1959 indenture) which was heretofore qualified under the Act.

Section 310(b) of the Act provides, in part, that if an indenture trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section) it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subdivision (1) of the section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture and becomes trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subdivision (1), an issuer may sustain the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as

trustee under one or more of such indentures.

The company alleges that:

1. It has outstanding the following five issues of unsecured debentures:

(a) $13,000,000 principal amount of its 2¾ percent Sinking Fund Debentures due 1970 issued under an Indenture dated as of July 1, 1945 (the 1945 Indenture) to J. P. Morgan & Co. Incorporated (Morgan), a corporation organized and formerly existing under the laws of the State of New York, as Trustee. These debentures were registered under the Securities Act of 1933 and the 1945 Indenture was qualified under the Trust Indenture Act of 1939.

(b) $17,500,000 principal amount of its 3 percent Sinking Fund Debentures due 1964 issued under an Indenture dated as of July 1, 1948 (the 1948 Indenture) to Morgan as Trustee. The transaction did not involve a public offering and therefore the 1948 Debentures were exempted from registration under the Securities Act of 1933 by section 4(1) of said Act and from qualification of the 1948 Indenture under the Trust Indenture Act of 1939 by section 304(b) (1) of said Act.

On June 29, 1948, the Company filed application with the Commission, for an order under section 310(b) (1) (ii) of the Trust Indenture Act that the trusteeship of Morgan under the 1945 Indenture and the 1948 Indenture was not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan from acting as Trustee under one of such Indentures. On July 27, 1948, the Commission entered an order granting such application.

(c) $20,000,000 principal amount of its 3½ percent Sinking Fund Debentures due 1966 issued under an Indenture dated as of July 1, 1951 (the 1951 Indenture) to Morgan as Trustee. The transaction did not involve a public offering and therefore the 1951 Debentures were exempted from registration under the Securities Act of 1933 by section 4(1) of said Act and from qualification of the 1951 Indenture under the Trust Indenture Act of 1939 by section 304(b) (1) of said Act.

On June 7, 1951, the Company filed application with the Commission, for an order under section 310(b) (1) (ii) of the Trust Indenture Act that the trusteeship of Morgan under the 1945 Indenture, the 1948 Indenture and the 1951 Indenture was not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan from acting as Trustee under any of such Indentures. On July 5, 1951, the Commission entered an order granting such application.

(d) $30,000,000 principal amount of its 4⅝ percent Sinking Fund Debentures due 1977 issued under an Indenture dated as of January 15, 1957 (the 1957 Indenture) to Guaranty Trust Company of New York (Guaranty), a corporation organized and existing under the laws of the State of New York, as Trustee. These Debentures were registered under the Securities Act of 1933 and the 1957 Indenture was qualified under the Trust Indenture Act of 1939.

(e) $30,000,000 principal amount of its 4⅝ percent Sinking Fund Debentures due 1984 issued under an Indenture dated as of January 15, 1959 (the 1959 Indenture) to Morgan as Trustee. These debentures were registered under the Securities Act of 1933 and the 1959 Indenture was qualified under the Trust Indenture Act of 1939.

2. The Company has been informed that Morgan was duly merged into Guaranty on April 24, 1959. Guaranty as the surviving corporation changed its name to Morgan Guaranty Trust Company of New York and on the effective date of merger all of the property, rights, powers and franchises of Morgan were vested in Guaranty and Guaranty assumed all of the debts, liabilities, obligations and duties of Morgan, and Guaranty (already Trustee under the 1957 Indenture) became the successor Trustee under the 1945 Indenture, the 1948 Indenture, the 1951 Indenture and the 1959 Indenture.

3. The 1945, 1957 and 1959 Indentures, all of which were qualified under the Act, contain provisions embodying the provisions of section 310(b) of the Act. The 1948 and 1951 Indentures also contain provisions embodying the provisions of section 310(b) of the Act, but provide that such provisions shall not become operative unless and until the respective indentures are qualified under the Act.

4. The 1945, 1948, 1951, 1957, and 1959 Indentures are wholly unsecured. The Company is not in default under any of said Indentures.

5. Except for variations in amounts, dates, interest rates, redemption prices and procedures, sinking fund amounts and procedures, notice requirements, transfer procedures and offices and agencies, and except for the fact that certain provisions of the 1948 Indenture and the 1951 Indenture do not become operative until the applicable Indenture is qualified under the Trust Indenture Act of 1939, most of the provisions of the five Indentures are substantially the same. Any difference in their provisions is unlikely to cause a conflict of interest in the trusteeship of Guaranty under said five Indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after July 1, 1959, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b) (1) of the Trust Indenture Act of 1939. Any interested person may, not later than June 29, 1959, in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., and should state briefly the nature of the interest of the persons submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-5085; Filed, June 18, 1959; 8:46 a.m.]

[File No. 22-2571]

PUBLIC FINANCE SERVICE, INC.

Notice of Application and Opportunity for Hearing

JUNE 12, 1959.

Notice is hereby given that Public Finance Service, Inc. (Company) has filed an application under clause (ii) of section 310(b) (1) of the Trust Indenture Act of 1939 (the Act) for a finding by the Commission that trusteeship of the First Pennsylvania Banking and Trust Company (Pennsylvania) under an Indenture dated as of December 1, 1942 (1942 Indenture), which was heretofore qualified under the Act, an Indenture dated June 1, 1950 (1950 Indenture) and an Indenture dated June 1, 1955 (1955 Indenture) which were not qualified under the Act, and trusteeship by Pennsylvania under a proposed Indenture to be dated as of July 1, 1959 (1959 Indenture) and which is to be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify said Trustee from acting as such under the 1942, 1950, 1955, and 1959 indentures.

Section 310(b) of the Act, which is incorporated in section 6.08 of the 1942, 1950 and 1955 Indentures, provides in part that if an indenture trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture of an issuer and becomes trustee under another indenture of the same issuer. Pursuant to clause (ii) of subsection (1), an issuer may sustain the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and another indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The Company alleges that:

1. It proposes to issue, $3,900,000 aggregate principal amount of 6 percent debentures due September 1, 1982, under

the 1959 Indenture in which Pennsylvania is named as Indenture trustee, by exchanging such 1959 debentures for the $3,900,000 debentures now outstanding pursuant to the 1942, 1950 and 1955 Indentures referred to above.

2. No consideration will be given in connection with the transaction except that a $1.00 payment per each $100 face amount of debentures will be offered to present debenture holders (under the 1942, 1950, and 1955 Indentures) as inducement to accept proposed exchange offer between July 1, 1959 and October 31, 1959.

3. The exchange offer is exempt from registration under the Securities Act of 1933, pursuant to section 3(a)(9) of such Act.

4. The company has outstanding $2,000,000 principal amount of its 6 percent Cumulative Debentures (1942 Indenture); $1,000,000 outstanding principal amount of its 6 percent Cumulative Debentures (1950 Indenture); and $900,000 outstanding of its 6 percent Cumulative Debentures (1955 Indenture).

5. Debentures issued under the 1942 Indenture were registered under the Securities Act of 1933 and such Indenture was qualified under the Trust Indenture Act of 1939. Debentures issued under the 1950 and 1955 Indentures were offered under Regulation A pursuant to section 3(b) of the Securities Act of 1933 and were exempt from the provisions of the Trust Indenture Act of 1939 pursuant to section 304(a)(9).

6. The 1959 debentures to be offered in exchange for the outstanding debentures above mentioned provides for a maturity date in 1982 in exchange for the 1942 debentures which mature in 1962, the 1950 debentures which mature in 1962 and the 1955 debentures which mature in 1972.

7. The 1959 Indenture provides that such debentures will be subordinated as to both principal and unpaid interest to notes or other evidences of indebtedness maturing not more than 12 months from date thereof as long as any of the 1942, 1950, and 1955 debentures are outstanding. However, after all the 1942, 1950, and 1955 debentures are retired by payment, redemption, exchange or otherwise, the 1959 debentures shall be subordinated as to both principal and interest to all other unsecured debt of the company.

8. Except as to the foregoing and differences as to dates, redemption prices, and other procedural differences, most of the provisions of the 1959 Indenture are identical with the presently outstanding debentures.

9. Pennsylvania is a successor trustee to Girard Trust Corn Exchange Bank. Girard previously was granted an application by the Commission pursuant to section 310(b)(1)(ii) of the Act wherein it was found by the Commission that the trusteeship by Girard under the 1942, 1950, and 1955 Indentures was not so likely as to cause a material conflict of interest to disqualify Girard from acting as trustee under said indentures.

10. Neither the 1942, 1950, or 1955 debentures provide for any security or preference or sinking fund, but are subordinated in the same manner as will be initially provided in the 1959 indentures.

11. The differences between the 1942, 1950, and 1955 Indentures and the 1959 Indenture are not so likely as to involve a conflict of interest in the trusteeship of Pennsylvania.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street, NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission at any time after June 29, 1959, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than June 26, 1959, in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-5086; Filed, June 18, 1959; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XIV-6]

CHIEF, LOAN PROCESSING SECTION

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation 30-XIV-1 (22 F.R. 6392) as amended, there is hereby delegated to the Chief, Loan Processing Section, Los Angeles Regional Office, Small Business Administration, the authority:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations set forth in SBA-500 Financial Assistance Manual:

1. To approve the following type of loans:

(a) Direct Business loans in an amount not exceeding $20,000.

(b) Participation Business loans in an amount not exceeding $25,000.

(c) Disaster loans in an amount not exceeding $20,000.

2. To execute Loan Authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES, *Administrator.*

By _____
Chief, Loan Processing Section.

3. To modify or amend Authorizations for Business or Disaster loans approved by the Administrator, The Deputy Administrator for Financial Assistance, the Director, Office of Loan Processing or the Chairman, Loan Review Board, by the issuance of Certficates of Modification, and to modify or amend Authorizations for loans approved under Delegated Authority in any manner consistent with the original authority to approve loans.

4. To extend disbursement period on all undisbursed Authorizations.

5. To approve annual and sick leave for employees under his supervision.

6. To authorize or approve official travel for employees under his supervision.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division, to the Chief, Loan Processing Section, Los Angeles Regional Office, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: May 5, 1959.

GEORGE A. RANDS, *Chief, Financial Assistance Division.*

[F.R. Doc. 59-5031; Filed, June 17, 1959; 8:48 a.m.]

[Delegation of Authority 30-XIV-7]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation 30-XIV-1 (22 F.R. 6392) as amended, there is hereby delegated to the Chief, Loan Administration Section, Los Angeles Regional Office, Small Business Administration, the authority:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations set forth in SBA-500 Financial Assistance Manual:

1. To extend disbursement period on undisbursed portion of loans authorized.

2. To extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding $100,000.

3. To carry loans which are delinquent or past-due in such status for not more than three (3) months.

4. To waive amounts due under net earnings clause.

5. To approve requests to exceed fixed assets limitations and waive violations of this limitation.

6. To approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel and waivers of violation of salary and bonus limitations, provided the Chief, Loan Administration Section considers the bonuses and/or salary to be paid reasonable, and any such payment will not impair the borrower's cash position and the loan is current in all respects at the time payment is made.

7. To approve changes in use of loan proceeds in connection with partially disbursed loans.

8. To approve or reject substitutions of accounts receivable and inventories.

9. To release, or consent to the release of inventories, accounts receivable, cash collateral or other personal property, held as collateral on loan, including the release of all collateral when loan is paid in full.

10. To release dividends on life insurance policies held as collateral for loan, approve the application of same against premiums due; release or consent to the release of insurance funds covering loss or damage to property securing the loan and to surrender expired hazard insurance policies.

11. To take peaceable custody of collateral, as mortgage in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

12. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA and shall be limited to their temporary services for the specific purpose involved.

13. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

14. To approve annual and sick leave for employees under his supervision.

15. To authorize or approve official travel for employees under his supervision.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

Dated: May 5, 1959.

GEORGE A. RANDS,
Chief, Financial Assistance Division.

[F.R. Doc. 59-5032; Filed, June 17, 1959; 8:48 a.m.]

[Delegation of Authority No. 30-XIV-1, Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance Functions

Delegation of Authority No. 30-XIV-1 (22 F.R. 6392) is hereby amended by deleting paragraph II in its entirety and substituting the following in lieu thereof:

II. The authority delegated in subsections IB 5, 9 and 13(h) may not be redelegated.

DONALD MCLARNAN,
Regional Director.

MAY 5, 1959.

[F.R. Doc. 59-5033; Filed, June 17, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 16, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35505: *T.O.F.C. Service—Cleaning compounds and cooking oils to and between points in the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7569), for interested rail carriers. Rates on cleaning, scouring, and washing compounds, noibn., and cooking oils, trailerloads, loaded in railroad flat cars (a) from St. Louis, Mo., to specified points in Arkansas, as to rates on cleaning, scouring, and washing compounds, and (b) between points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, and between such points on the one hand, and Memphis, Tenn., Natchez and Jackson, Miss., on the other, as to rates on cooking oils.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 26 to Southwestern Freight Bureau tariff I.C.C. 4315. Supplement 61 to Southwestern Freight Bureau tariff I.C.C. 4285.

FSA No. 35506: *Fine coal—Belleville, Ill., group to Hill Crest, Mo.* Filed by Missouri Pacific Railroad Company, Agent (No. 1123), for interested rail carriers. Rates on bituminous fine coal, carloads, as more fully described in the application from Mines in the Belleville, Ill., group on the Missouri Pacific and Missouri-Illinois railroads to Hill Crest, Mo., on the Missouri Pacific Railroad.

Grounds for relief: Rail-barge competition.

Tariff: Supplement 102 to Missouri Pacific Railroad Company tariff I.C.C. A-10454.

FSA No. 35507: *Grain and grain products—Northern Illinois points to the east.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2406), for interested rail carriers. Rates on corn, oats, and soybeans, and their products, carloads from specified points in northern Illinois territory to Chicago, Ill., on traffic destined to points in central, trunkline and New England territories.

Grounds for relief: Across country competition with like traffic from other nearby origins in northern Illinois from which depressed barge-truck competitive rates are maintained.

Tariffs: Supplement 136 to Central Territory Railroads Tariff Bureau tariff I.C.C. 4404 (Hinsch series). Supplement 65 to Central Territory Railroads Tariff Bureau tariff I.C.C. 4499 (Hinsch series), and other schedules listed in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-5092; Filed, June 18, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 15, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35498: *Slabs between southwestern and southern territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7567), for interested rail carriers. Rates on slabs, building or roofing, reinforced cement, carloads between points in southwestern territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 59 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4302.

FSA No. 35499: *Gasoline and related articles—Laverne, Okla., to southern points.* Filed by Southwestern Freight Bureau, Agent (No. B-7570), for interested rail carriers. Rates on natural gasoline, iso-pentane or petroleum pentane, and liquefied petroleum gas, tank-car loads from Laverne, Okla., to points in southern territory, including Memphis,

Tenn., and Mississippi River crossings south thereof.

Grounds for relief: Market competition with other southwestern producing points.

Tariffs: Supplement 84 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4172. Supplement 199 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4118.

FSA No. 35500: *Substituted service IC R.R. for Bos Lines, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 171), for interested rail and motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Waterloo, Iowa, on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 100 to Middlewest Motor Freight Bureau, Agent, tariff MF-I.C.C. 223.

FSA No. 35501: *Gravel—Attica, Ind., to Lovington, Ill.* Filed by Illinois Freight Association, Agent (No. 62), for the Wabash Railroad Company. Rates on gravel, carloads, as described in the application from Attica, Ind., to Lovington, Ill.

Grounds for relief: Motor truck competition from gravel pit to jobsite.

Tariff: Supplement 53 to Wabash Railroad Company tariff I.C.C. 7844.

FSA No. 35502: *Gravel—Attica, Ind., to Sadorus, Ill.* Filed by Illinois Freight Association, Agent (No. 63), for the Wabash Railroad Company. Rates on gravel, carloads, as described in the application from Attica, Ind., to Sadorus, Ill.

Grounds for relief: Motor truck competition from gravel pit to jobsite.

Tariff: Supplement 54 to Wabash Railroad Company tariff I.C.C. 7844.

FSA No. 35503: *Peaches—Southern points to points in official territory.* Filed by O. W. South, Jr., Agent (SFA No. A3816), for interested rail carriers. Rates on peaches, fresh (not cold packed or frozen), carloads as more fully described in the application from specified points in southern territory to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula, grouping and motor truck competition.

FSA No. 35504: *Joint motor-rail rates—C.R.I. & P.R.R. and Rock Island Motor Transit Company.* Filed by Middlewest Motor Freight Bureau, Agent (No. 172), for interested carriers. Rates on various commodities, moving on class or commodity rates, loaded in highway trailers of the motor line over the highways, thence transported on railroad flat cars of the railroad between points in Illinois and Iowa, on the motor line, and points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas, on the rail carrier via junction points named in the application.

Grounds for relief: Motor truck competition.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5025; Filed, June 17, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

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